

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MANITOU NORTH AMERICA, LLC,

Plaintiff,

Case No. 22-cv-194-pp

v.

CALEDONIA IMPLEMENT COMPANY,

Defendant.

**ORDER REMINDING PLAINTIFF OF OPTION TO FILE AMENDED
COMPLAINT IN LIEU OF RESPONDING TO DEFENDANT’S MOTION TO
DISMISS (DKT. NO. 5)**

On April 19, 2022, the defendant filed a motion to dismiss the complaint or, in the alternative, to transfer the case to the U.S. District Court for the District of Minnesota, under Federal Rules of Civil Procedure 12(b)(2) and (3) and 28 U.S.C. §1404. Dkt. No. 5. The defendant argues that dismissal is warranted because this court has no personal jurisdiction over the defendant. Id. at 1. The defendant also contends that venue is not proper in this district and that the case “should more appropriately” be heard in the District Court of Minnesota. Id.

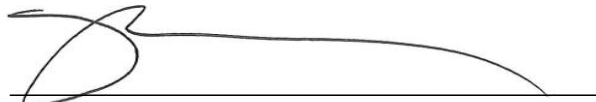
Under Civil Local Rule 7(b), if the plaintiff wishes to oppose the motion it must do so within twenty-one days—that is by May 10, 2022. The plaintiff is free to timely file a response to the motion to dismiss, but the court reminds the plaintiff that it has another option—it may file an amended complaint to try to cure the alleged deficiencies. See Runnion ex rel. Runnion v. Girl Scouts of

Greater Chi. and Nw. Ind., 786 F3d 510, 522 (7th Cir. 2015) (explaining that a responsive amendment may avoid the need to decide the motion or reduce the number of issues decided). Fed. R. Civ. P. 15(a)(1) allows the plaintiff to file the amended complaint as a matter of course within twenty-one days after service of the responsive pleading.

The court **ORDERS** that by May 10, 2022 the plaintiff shall file either an amended complaint or a response to the motion to dismiss.

Dated in Milwaukee, Wisconsin this 22nd day of April, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge